



Cornell University
ILR School

Cornell University ILR School
DigitalCommons@ILR

Federal Publications

Key Workplace Documents

January 1994

IUD Sets Bold Agenda for Workplace Rights: Article Submitted to the Commission on the Future of Worker-Management Relations

International Union Department, AFL-CIO

Follow this and additional works at: https://digitalcommons.ilr.cornell.edu/key_workplace

Thank you for downloading an article from DigitalCommons@ILR.

Support this valuable resource today!

This Article is brought to you for free and open access by the Key Workplace Documents at DigitalCommons@ILR. It has been accepted for inclusion in Federal Publications by an authorized administrator of DigitalCommons@ILR. For more information, please contact catherwood-dig@cornell.edu.

If you have a disability and are having trouble accessing information on this website or need materials in an alternate format, contact web-accessibility@cornell.edu for assistance.

IUD Sets Bold Agenda for Workplace Rights: Article Submitted to the Commission on the Future of Worker-Management Relations

Comments

Suggested Citation

International Union Department, AFL-CIO. (1994). *IUD sets bold agenda for workplace rights: Article submitted to the Commission on the Future of Worker-Management Relations*. Retrieved [insert date], from Cornell University, School of Industrial and Labor Relations site:
http://digitalcommons.ilr.cornell.edu/key_workplace/407/

HOT TOPIC
Working Women
Working Men

WORKPLACE RIGHTS



Democracy on the Job



HD
6508
A258



MAR 21 1994

IUD Sets Bold Agenda for Workplace Rights

Economic Empowerment and 'Democracy on the Job'

CORNELL UNIVERSITY

1-202-842-7800

The nation's labor laws need a complete overhaul to fulfill their original purpose: to give workers a genuine free choice to form a union; establish a level playing field between unions and employers; and foster collective bargaining as the cornerstone of industrial peace and economic security.

That's the gist of a comprehensive, 98-page "white paper" issued after months of work by an IUD *ad hoc* Committee on Organizing and Labor Law Reform headed by Mine Workers President Richard Trumka. Titled "Democracy on the Job: America's Path to a Just, High-Skill, High-Wage Economy," this bold agenda for NLRA reform is based largely on the experience of the IUD affiliates that responded to the *ad hoc* committee's request for written views.

"The white paper spells out in plain English the urgent need for labor law reform from both a moral and an economic point of view. And it lists the specific changes that are needed to give workers a choice and their unions a voice," said IUD President Elmer Chatak. "For us, there is no higher legislative priority."

"We hope members of Congress and the President's Dunlop Commission on the Future of Worker-Management Relations will take a very close look at our report," Chatak added. The Dunlop panel plans to issue "findings of fact" in late May and make recommendations by the end of the year.

IN MAKING THE CASE FOR REFORM, THE WHITE PAPER STATES:

Despite the supposed national policy in favor of collective bargaining since the NLRA, or Wagner Act, was enacted in 1935, "unions have been under a systematic assault, leading to the decline of collective bargaining. The percentage of the workforce covered by collective bargaining has decreased from about 35% in 1960 to only 15.8% today, with only 11.4 percent in the private sector, where standards are set for all American workers."

"This decrease in unionization has fomented industrial strife, led to the decline in American productivity and competitiveness, and hastened the drop in wages and purchasing power. When added to the inability of unorganized workers to

bargain for health benefits, pensions, training and other contractual guarantees, the cost of de-unionization is high."

"The decline of unionism stems largely from a sustained attack on those provisions of labor laws enabling unions to organize and maintain a balance of power with management at the bargaining table. The result for workers is a virtual return to the era before the Wagner Act, when seeking to form a union could cost one's livelihood."

The 1947 Taft-Hartley amendments shifted labor law away from favoring collective bargaining toward protecting employers from workers' efforts to organize. This shift was compounded by restrictive interpretations of union rights by the NLRB and the courts. With the help of union-busting management

consultants, employers have increasingly exploited

continued on page 2



a system plagued by endless delays and ineffectual remedies in cases of employer misconduct.

In stark contrast, the Canadian workforce has continued to be highly unionized, mainly because Canadian labor laws—including union recognition based on card check alone—protect worker choice and encourage good faith collective bargaining.

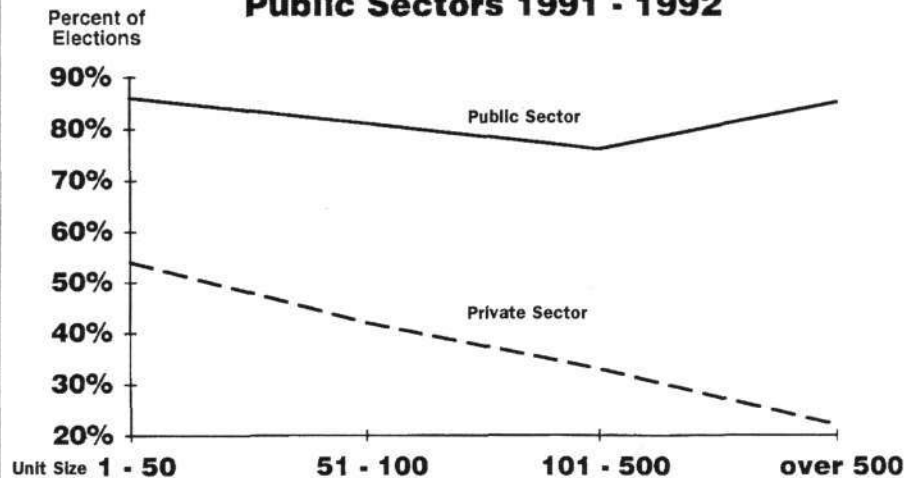
"Employees must have a voice in shaping the laws and conditions of employment in their workplace, just as they have a voice as citizens in shaping the laws of the country. Achieving social justice through workplace democracy must be the primary purpose of a national labor policy."

Yet there need not be a tradeoff between industrial democracy and company efficiency. "Rather than being adversarial, collective bargaining promotes the kind of cooperative labor-management relations which boosts employee morale and improves productivity. Studies have confirmed that a unionized environment is crucial to ensuring that worker participation programs yield significant productivity gains."

TO GIVE WORKERS A CHOICE, THE WHITE PAPER RECOMMENDS THESE CHANGES IN THE LAW:

- ☛ Recognition based on card majority so that workers' desire for union representation is determined promptly, before the employer is able to undermine union support through a protracted, oppressive and often illegal election campaign.
- ☛ Remove employer interference in the certification process by repealing Section 8(c) of Taft-Hartley, which allows employers to use fear and indoctrination under the guise of "free speech."
- ☛ Expand union access to workers. Unions now are barred not only from entering non-union workplaces to communicate with employees, but also from employer property outside the premises.
- ☛ Binding arbitration for first contracts. Even when the union wins the election, employers are able to avoid signing a contract through stonewalling about 50 percent of the time.

Elections in Which Workers Vote for Representation in the Private and Public Sectors 1991 - 1992



Given the opportunity to form unions without undue and threatening pressure from their boss, workers choose unionization in 8 out of 10 organizing attempts in the public sector.

- ☛ Strengthen the NLRB's remedial and enforcement mechanisms so that it no longer pays to violate the law to defeat workers efforts to form unions. This includes expedited investigations of discharges; mandatory preliminary injunctions for reinstatement; and strong penalties for violations of employee rights.

- ☛ Curb the outside consultants. Tighter reporting requirements, as well as disciplinary measures for unlawful conduct, are needed to deter management consultants from engaging in unlawful conduct or from advising their clients to do the same.

- ☛ Expand the definition of employee by eliminating categorical exclusions such as for security guards, faculty professors, students, domestic workers, and "independent contractors."

- ☛ Provide for non-majority unions, which should have rights as organizations, including the right to meet with union representatives, and to negotiate with management and present grievances on behalf of its members.

To give workers and their unions a voice in the workplace, and enable unions to increase their bargaining strength and safeguard hard-won

contract rights for their members, the white paper recommended:

- ☛ Repeal Section 14(b) of Taft-Hartley, which allows free-riders to weaken unionism in the "right-to-work" states.

- ☛ Lift the Taft-Hartley ban on such economic leverage activities as secondary boycotts, secondary strikes, and sit-downs.

- ☛ Strengthen Section 8(a)(2) prohibition against employer-dominated worker participation programs.

- ☛ Expand mandatory subjects of bargaining to give workers a voice in such vital issues as the introduction of new technology.

- ☛ Expand union right to information.

- ☛ Protect representational and contract rights in the face of corporate transactions and workplace restructuring.

- ☛ Make multi-unit joint negotiations a mandatory subject of bargaining.

"Enacting fundamental reform will require a campaign more massive and well-planned than anything we've ever done. We have no choice but to commit the resources and get to it," said Joe Uehlein, executive assistant to IUD President Chatak. **IUD**